

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



DECLARATION UNDER 37 CFR § 1.132

Re:   Invention:           LIQUID PRODUCT VAPORIZING APPARATUS  
                              FOR AN AIR DEODORIZING SYSTEM  
      Inventor:           ROMACK, Keith D.; and SHAMHART, Ricke D.  
      Serial No.:         09/625,603  
      Filed:             July 26, 2000  
      Art Unit:          1744  
      Examiner:         CHORBAJI, Monzer  
      Our Docket No.:    P00224-US-2 (15435.0001)

I, Randal D. Romack, state and declare as follows:

1.     I am an adult under no legal disability. I have personal knowledge of the matters stated herein.

2.     I received a B.S. in civil engineering from the University of Illinois in December, 1989. I received a masters degree in environmental engineering from the University of Illinois in December, 1991. I am licensed as a professional engineer in the state of Texas. I have designed scrubbers and related systems for municipalities since 1993. I have been involved with vapor and odor neutralization for various companies since 1995.

3.     I have reviewed U.S. Patent No. 4,238,461 to Devries (the "Devries Patent") and U.S. Patent No. 5,030,253 to Tokuhiro et al. (the "Tokuhiro Patent").

4.     The Devries Patent discloses a typical prior art scrubber system where a liquid mist is delivered to a gas treatment vessel containing exhaust gas. The Devries patent states that it includes a gas treatment vessel that is "entirely open without packing or contacting surfaces of any kind so as to allow unimpeded settling of liquid droplets produced by [the] nozzle in the gas contained within the vessel." The desire for this "unimpeded settling of liquid droplets" arises because the longer the liquid droplets in a scrubber are suspended in the chamber, the longer the droplets have to react with the contaminated gas within the chamber and thereby produce

reaction products. At the same time, complete evaporation of the liquid droplets from the nozzle is to be avoided, as the droplets must react with the contaminated gas, and the reaction products must fall to the vessel floor with the droplets for proper scrubber operation. Accordingly, the purpose of the Devries gas treatment vessel is to suspend liquid droplets in the chamber for as long as possible while avoiding complete evaporation of the liquid droplets.


5. The Tokuhiro Patent discloses a system for supplying fragrant air. The system includes a chamber in the form of a fragrance evaporator. Fragrant liquid is delivered to the fragrance evaporator so the fragrant liquid can be evaporated within the chamber and delivered to a remote location through a series of air ducts. There is no desire in Tokuhiro to allow "unimpeded settling of liquid droplets" within the chamber. To the contrary, impediments are provided within the fragrance evaporator of Tokuhiro to encourage evaporation of the liquid droplets. Accordingly, the purpose of the fragrance evaporator in the Tokuhiro Patent is to encourage evaporation of fragrant liquid.

6. In my opinion, the Devries Patent teaches away from any combination with the Tokuhiro Patent, because the purposes of the chambers in the two references are opposite. Specifically, one chamber is designed to discourage evaporation of liquid droplets within the chamber (encouraging droplets to fall to the floor) and the other chamber is designed to encourage evaporation of liquid droplets within the chamber (discouraging droplets from falling to the floor). Allowing "unimpeded settling of liquid droplets" in the arrangement disclosed in Tokuhiro would only result in additional liquid draining to the floor of the fragrance evaporator with less evaporation of the liquid.

7. I state under penalty of perjury of the laws of the United States of America that the foregoing statements are based upon my personal knowledge and that I have been warned

that willful, false statements and the like are punishable by fine or imprisonment, or both, under  
Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the above-  
identified application or any patents issuing thereon, and that all statements made of my own  
knowledge are true and all statements made on information and belief are believed to be true.

Dated this 8<sup>th</sup> day of March, 2004.

  
Randal D. Romack, P.E.

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